(37)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO.1044 OF 2006

PETITIONER

Prabha Bai Rai
W/o Shri Shankar Rai,
Aged about 48 years,
R/o Village – Bargava,
P.S. & Tehsil – Marwahi
Dist – Bilaspur (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh
Through – The Secretary
Department of Panchayat D.K.S.
Bhawan Raipur, Dist : Raipur (C.G.)
2. The Addl. Collector Pendra Road,
Dist : Bilaspur (C.G.)
3. The Collector
Bilaspur (C.G.)
4. The Returning Officer,
Janpad Panchayat Marwahi,
Dist : Bilaspur (C.G.)
5. Shiv Prasad
S/o Ayodya Prasad,
Aged about 34 years,
R/o Village – Baror,
Tehsil – Marwahi,
Dist. Bilaspur (C.G.)

Present : Shri Goutam Khetrapal, learned counsel for the petitioner.
Shri Utkarsh Verma, learned Dy. G.A. for the State.

(ORAL ORDER)
(Passed on 3rd March, 2006)

This writ petition has to be dismissed for more than one reason. In this writ petition, the petitioner has assailed the election of the 5th respondent herein to the office of Vice President of Janpad Panchayat, Marwahi on the ground that the 5th respondent does not belong to Scheduled Caste. The petitioner has had an opportunity to file election petition against the election of the 5th respondent to the office of the Vice President, Janpad Panchayat, Marwahi. The petitioner, for the reasons best known to her, did not

challenge the election of the 5th respondent to the office of Vice President , Janpad Panchayat, Marwahi by filing election petition before the Election Tribunal as provided under the statute. After the limitation prescribed under the statute to file election petition expired, this writ petition is presented seeking intervention of the Court to nullify the election of the 5th respondent to the office of Vice President, Janpad Panchayat, Marwahi on the ground already notice above. Another circumstance which weighed with the Court not to interfere with this matter is that if the contention now put-forth before the Court by the petitioner that the 5th respondent does not belong to Scheduled Caste is justified, she ought to have objected to the 5th respondent contesting for membership of Janpad Panchayat, Marwahi itself. Admittedly, the petitioner did not object to the 5th respondent contesting election for membership of Janpad Panchayat, Marwahi. The petitioner raised the present plea only when the 5th respondent contested against the petitioner for the office of Vice President, Janpad Panchayat, Marwahi. It seems to my mind that the petition lacks bona fide. The writ petition is, therefore, dismissed. No costs.

Sd/-
Chief Justice